THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
and
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No. 23719 of 2006

O R D E R: (Per the Hon'ble Smt. Justice T. Meena Kumari)

This writ petition is filed against the order dated 24.8.2005 passed by the A.P. Administrative Tribunal, Hyderabad in O.A. No. 2596 of 2004.

The respondent herein filed O.A. 2596 of 2004 before the Tribunal seeking to declare G.O. Rt.No.968 Health, Medical & Family Welfare (VCI (1) Dept., dated 3.12.2003, G.O. Rt. No. 1 Health, Medical & Family Welfare (VCI (1) Dept., dated 1.1.2004 issued by the 1st respondent therein and Proceedings No. COI/M-DVR/HM & FW/114/2004 dated 20.3.2004 issued by the 3rd respondent therein as illegal and arbitrary and consequently to set aside the same. By the impugned order, the Tribunal allowed the said O.A. Aggrieved, the petitioners filed this writ petition.

Heard the learned counsel for the parties and perused the material available on record.

It is contended by the learned Government Pleader for Services-I that there are several allegations against the respondent for which charges were leveled against him, but the respondent without cooperating with the enquiry initiated against him approached the Tribunal and the Tribunal without considering the matter on proper perspective erred in allowing the said O.A. However, a perusal of the material available on record goes to show

that there is no sufficient material in support of the charges framed against the respondent. With regard to the 1st charge, enquiry was conducted by ACB and as there was no sufficient material, the ACB authorities treated the same as pseudonymous petition. The 2nd charge relates to the year 1964 and, therefore, the same contravenes the provisions of Rule 9(2)(b)(ii) of A.P. Revised Pension Rules, 1980. There is also no sufficient material with regard to the other charges. Further, Rule 9 of A.P. Revised Pension Rules, 1980 provides that the departmental proceedings, if not instituted while the Government Servant was in service, whether before his retirement or during his re-employment, shall not be instituted save with the sanction of the Government. The petitioners herein have not obtained sanction from the Government as stipulated under Rule 9. Having regard to the facts and circumstances, the Tribunal rightly allowed the O.A. filed by the respondent herein and we find no illegality or irregularity in the order passed by the Tribunal warranting interference of this Court.

We find no merit in the writ petition. It is accordingly dismissed.

T. MEENA KUMARI, J.

G. CHANDRAIAH, J.

Date: 16-07-2007.

MVB.